

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MUTINTA MICHELO, KATHERINE SEAMAN,
MARY RE SEAMAN, and SANDRA TABAR,
individually and on behalf of all others similarly situated,)
Plaintiffs,
v.
NATIONAL COLLEGIATE STUDENT LOAN)
TRUST 2007-2; NATIONAL COLLEGIATE)
STUDENT LOAN TRUST 2007-3;)
TRANSWORLD SYSTEMS, INC., in its own right and)
as successor to NCO FINANCIAL SYSTEMS, INC.;)
EGS FINANCIAL CARE INC., formerly known as)
NCO FINANCIAL SYSTEMS, INC.; and)
FORSTER & GARBUS LLP,)
Defendants.)

No. 18-cv-1781

NOTICE OF MOTION

CHRISTINA BIFULCO, FRANCIS BUTRY,
and CORI FRAUENHOFER, individually and on
behalf of all others similarly situated,
Plaintiffs,

No. 18-cv-7692

NATIONAL COLLEGIATE STUDENT LOAN
TRUST 2004-2; NATIONAL COLLEGIATE
STUDENT LOAN TRUST 2006-4;
TRANSWORLD SYSTEMS, INC., in its own right and
as successor to NCO FINANCIAL SYSTEMS, INC.;
EGS FINANCIAL CARE INC., formerly known as
NCO FINANCIAL SYSTEMS, INC.; and
FORSTER & GARBUS LLP,
Defendants.

FILED VIA ECF

PLEASE TAKE NOTICE that, upon the Memorandum of Law in Support of Plaintiffs' Motion for Class Certification, and the Declaration of Asher Hawkins dated June 3, 2021 and the exhibits thereto, Plaintiffs herein, by undersigned counsel, will move this Court at the United States Courthouse for the Southern District of New York, 500 Pearl St., New York, New York, before the Honorable Paul G. Gardephe, United States District Judge, for an Order:

1. Certifying a Class, pursuant to Federal Rule of Civil Procedure 23(b)(1) and 23(b)(3), and as set forth in the accompanying Memorandum, consisting of: (a) all persons sued in state-court lawsuits related to the collection of consumer debt, (b) in which any Trust Defendant was identified as plaintiff in the complaint, (c) from February 27, 2012 through February 27, 2018;
2. Certifying a separate Class, pursuant to Federal Rule of Civil Procedure 23(b)(2), and as set forth in the accompanying Memorandum, consisting of: (a) all persons sued in state-court lawsuits related to the collection of consumer debt, (b) in which any Trust Defendant was the plaintiff, and (c) against whom Defendant TSI-NCO reported the alleged debt to Equifax, Experian, and/or Trans Union;
3. Appointing Plaintiffs' counsel, Frank LLP, as Class Counsel pursuant to Federal Rule of Civil Procedure 23(g); and
4. Granting such other and further relief as the Court may deem appropriate.

Dated: New York, New York
June 3, 2021

Respectfully submitted,

FRANK LLP

By: /s/ *Gregory A. Frank*
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